NITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007 -1866

June 25, 2015

BY ELECTRONIC MAIL

Robert Law, Ph.D.
demaximis, inc.
186 Center Street, Suite 290
Clinton, New Jersey 08809

Re: Notice of Dispute Resolution Pursuant to Dispute Resolution Provisions of Administrative Settlement Agreement and Order on Consent for Remedial Investigation and Feasibility Study, US EPA Region 2 CERCLA Docket No. 02-2007-2009

Dear Dr. Law:

The U.S. Environmental Protection Agency (EPA) is in receipt of your letter dated June 12, 2015, invoking dispute resolution under the above-referenced Administrative Settlement Agreement and Order on Consent for Remedial Investigation and Feasibility Study (RI/FS Settlement Agreement) with respect to EPA's June 1, 2015 letter concluding that use of the average model results from the 15 centimeter (cm) depth horizon, consistent with the RI data, is most appropriate to represent contaminant concentrations in the benthic community exposure zone for use in the bioaccumulation model for the 17 Mile RI/FS.

The CPG argues that EPA's conclusion is based on a series of "unsupported" and "self-contradictory" assertions and that the region is ignoring site-specific data. The CPG further asserts that EPA's offer to discuss the conduct of an additional Sediment Profile Imaging (SPI) survey and possibly additional sediment sampling "seems disingenuous." EPA disagrees with the CPG's assertions and specifically with the CPG's contention that the existing SPI data supports a 2 cm depth of exposure.

EPA accepts your notice letter as having triggered the RI/FS Settlement Agreement dispute resolution process and is willing to discuss these issues with the CPG. While your June 12, 2015 letter generally describes the CPG's objections to the EPA June 1, 2015 letter, to engage in meaningful discussions during the Negotiation Period pursuant to Paragraph 64 of the RI/FS Settlement Agreement, EPA requires the Settling Parties to submit a detailed written statement of their objections, particularly to support the three bulleted assertions at the top of Page 2 of the letter.

Once we have received a detailed written statement as described above, EPA will work with the Settling Parties to attempt to resolve the dispute, including by scheduling a meeting if it appears that this would be productive. In order for EPA to evaluate whether an extension of the 31 day

Negotiation Period is called for, please advise when the CPG will be able to submit the more detailed written statement.

Please let me know if you have any questions.

Sincerely,

Stephanie Vaughn, Project Manager
LPRSA 17-Mile RI/FS

cc: W. Mugdan, ERRD
E. Schaaf, ORC
R. Basso, ERRD
S. Flanagan, ORC
W. Hyatt, CPG

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